

Applicants : David M. Stern, et al.
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REMARKS

Claims 3, 7-13 and 16-18 are pending and under examination in the subject application. Applicants herein cancel previously withdrawn claims 1, 2, 14 and 15. Applicants have also amended the specification in order to place the priority paragraph in proper format. Applicants maintain that this Amendment raises no issue of new matter. Accordingly, upon entry of this Amendment, claims 3, 7-13 and 16-18 will be pending and under examination.

Priority Claim

The Examiner noted that in order for the subject application to claim benefit of prior applications, reference to the prior applications must be inserted as the first sentence of the specification, along with the relationships to be claimed and the current status of the prior applications.

In response, applicants have herein amended the priority paragraph for the subject application such that it is in the proper location in the specification and provides the relationships to be claimed and current status of the prior applications.

Obviousness-Type Double Patenting Rejection

The Examiner provisionally rejected claims 3-11 and 16-18 as allegedly unpatentable under the judicially created doctrine of obviousness-type double patenting over claims 47, 50, 55-60, 62-65 and 67 of copending U.S. Application No. 09/167,705 in view of United States Patent No. 5,864,018 and Ritthaler et al. (1995). As

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stated by the Examiner on page 5 of the Office Action, a timely filed terminal disclaimer in compliance with 37 C.F.R. §1.321(c) may be used to overcome a provisional rejection based on a nonstatutory double patenting ground.

In response, applicants attach hereto as **Exhibit 1** a Terminal Disclaimer signed by an authorized officer of the assignee of record, The Trustees of Columbia University in the City of New York.

Summary

For the reasons set forth hereinabove, applicants respectfully request that all the claims of this application be allowed, and that the application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

Alan J. Morrison
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Date

7/17/06

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